IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5373 of 2005

Between:

1. K. Jagannadha Rao, S/o. K. Swamy Naidu,
   R/o. Plot No. 14, Icresat Colony, Chanda Nagar, Hyderabad - 50
2. B. Bhagya Lakshmi, W/o. B. Mallikarjuna Babu,
   R/o. MIG 101, Bharatnagar Colony, Hyderabad - 18.
3. K. Rukmini, W/o. K.L. Pandurangam,
   R/o. H.No. 9-4-160/1, Regimandal Bazar, Secunderabad - 25
4. K. Netaji Prasad, S/o. K.V. Rama Rao,
   R/o. Plot No. 659, Vivekananada Nagar, Hyderabad - 72.
5. M. Krishnaveni, W/o. M. Narayana Rao,
   R/o. 3-898/16/3, Nagarjuna Nagar, Hyderabad - 73.
6. M. Bipin Chand, S/o. M. Narayana Rao,
   R/o. 3-898/16/3, Nagarjuna Nagar, Hyderabad - 73.
7. P. Arundhathi, W/o. P.M. Reddy,
   R/o. Sowbhagyanagar, Opp:IDPL Colony, Hyderabad - 37.
8. K. Ram MOhan Rao, S/o. Gopala Krishna Murthy,
   R/o. Anand Nagar Colony, Khairatabad, Hyderabad.
9. B. Jagannadham, S/o. Mankaiah,
   R/o. H.No. 6/C, LIGH, Old Santhosh Nagar Colony, Hyderabad.

... PETITIONERS

AND

1 The Commissioner, Serilingampally Municipality, Ranga Reddy District.
2 The Town Planning Officer, Serilingampally Municipality, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, declaring

the action of the respondents in not accepting the applications of the petitioners for construction of a residential houses as illegal, arbitrary, discriminatory and violative of Art. 14 of the Constitution of India and contrary to the Section 209 of Municipalities Act and the rules made there under and consequently direct the respondents to consider the application submitted by the petitioner on par with similarly situated persons.

Counsel for the Petitioners: MR.N.SUBBA RAO

Counsel for the Respondents: MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

The Court at the stage of admission made the following:

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THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.5373 OF 2005

ORDER :

This writ petition is filed questioning the alleged action of the respondents in refusing to receive the applications of the petitioners for construction of residential houses in Plot Nos.257, 230, 50, 128, 164, 238, 27, 4&5-A and 163 in Sy.No.211 of Madinaguda Village.

The petitioners state that they are the owners and possessors of the plots in question which are situated in approved layout. It is stated that they submitted an application dated 5-3-2005 under the provisions of the A.P. Municipalities Act, 1965 (for short, 'the Act') with a request to accord permission to undertake construction in their respective plots. However, the respondents refused to receive the same without there being any justifiable reason. Hence, this writ petition.

When the matter is taken up for consideration, it is represented by the learned Counsel for both the parties that W.P.No.4843 of 2005, filed by one of the plot owners in the same Sy.No.211 of Madinaguda village, with an identical prayer was disposed of by this Court by order dated 11-03-2005 observing that there does not exist any justification for the respondents to refuse to receive the application seeking permission to construct a building. In the said case, it was also observed that in case there exist any objections or impediments in the matter of grant of permission, the respondents can certainly reject the application stating the reasons therefor and accordingly the respondents were directed to receive the application of the petitioner therein and process the same in accordance with the provisions of law.

Accordingly, the Writ Petition is disposed of with a direction to the respondents to receive the application of the petitioners seeking permission to

construct residential houses and process the same in accordance with the provisions of the A.P. Municipalities Act, 1965. There shall be no order as to costs.

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17th March, 2005.

LSK

To

1. The Commissioner, Serilingampally Municipality,
   Ranga Reddy district.

2. The Town Planning Officer, Serilingampally Municipality,

Ranga Reddy District.

3. Two CD copies.

ASSISTANT REGISTRAR

To

1. The Commissioner, Serilingampally Municipality, Ranga Reddy District.
2. The Town Planning Officer, Serilingampally Municipality, Ranga Reddy District.

3. Two C.D. copies.